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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,292	06/20/2005	Bruno Zweideck	A71.12-0011	2393
27367 7590 07/30/2007 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			EXAMINER BOTTORFF, CHRISTOPHER	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 07/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,292	Applicant(s) ZWEIDECK, BRUNO	
	Examiner Christopher Bottorff	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The preliminary amendment filed October 14, 2004 has been entered. Claims 1-27 are pending.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on June 20, 2005 was considered by the examiner.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with indefinite limitations. Some examples include, but are not limited to, the following: the expression "the said" is used throughout the claims; claim 15 presents a group of materials and requires the section elements to be made from more than one of these materials, but the claim does not specify the number of materials that are combined; and claim 1 only requires one assembly of two parts while claims 2 and 17 reference plural assemblies. The claims should be carefully reviewed for clarity and accuracy, and they should be amended accordingly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 14, 16, 17, 22-25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. US 6,276,709.

Chen discloses a child's stroller having a folding frame. See Figure 1. The stroller comprises, on each side, a front strut 10, a rear strut 50, and a push arm 20. See Figure 1. A wheel (11 or 51) is fitted on each of the front and rear struts 10, 50 and a guide handle cooperates with each push arm 20. See Figure 1. The frame implements at least one assembly of two parts. See Figure 2. One part 20 slides with respect to the other, which is formed by members 10 and 30, with no space between them. The first of the parts 10, 30 has at least one rail, formed by the surface of passage 31, and the second of the parts 20 has at least one slide, formed by the outer surface of part 20, designed to slide in the said rail. See Figures 2 and 5 and column 3, lines 39-51.

Each of the two assemblies is formed from a push arm 20 and a front strut 10, with member 30 connected to front strut 10. See Figure 2. Since the push arm 20, front strut 10, and rear strut 50 are interconnected at member 30, the push arm and struts form a contiguous assembly and remain a contiguous assembly when folded. See Figures 2 and 5. This contiguous assembly has a uniform and compact section. See Figure 5. The push arm and struts are made from tube sections, and the inside of the front strut tube section is adapted so that at least one type of special equipment, in the form of boss 413, can be fitted into it at 22. See Figure 2. The front strut 10 of each assembly is articulated with respect to the rear strut 50 of the assembly via their interconnection through member 30. See Figures 1, 2, and 5. Also, each one of the assemblies represents a single sliding assembly that extends approximately along a longitudinal axis of the stroller. See Figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. US 6,276,709 alone.

Chen et al. does not disclose a scraper brush installed on the end of the push arm as a means of cleaning the sliding area. Chen et al. also do not discuss the materials of the push arm and struts.

However, the examiner takes official notice that the desirability of configuring a brush on the end of an assembly part of a sliding assembly to clean the slide area was old and well known in the art at the time the invention was made. Providing a scraper brush on the end of the push arm of Chen et al. would have been obvious to one of ordinary skill in the art at the time the invention was made. This would minimize the presence of debris between the sliding parts that could interfere with the intended range of motion of the system.

Furthermore, the examiner takes official notice that the desirability of utilizing aluminum alloys and composite materials in making stroller frame parts was old and well known in the art at the time the invention was made. Making the struts and push arm from aluminum alloys or composite materials would have been obvious to one of

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ordinary skill in the art at the time the invention was made. This would provide the parts with strength without adding excessive weight.

Allowable Subject Matter

Claims 3, 6-10, 13, 18-21, and 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bigo US 4,844,504, Severson et al., Bigo US 5,074,575, Liu, Hartan, Chang, Bonnier et al., Bost, and Cabagnero EP 483 042 A1 disclose strollers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher Bottorff
Primary Examiner